

STATE OF MONTANA

**DEPARTMENT OF LABOR & INDUSTRY
BUSINESS STANDARDS DIVISION**

LICENSED ADDICTION COUNSELORS PROGRAM

PART 1

LICENSURE MANUAL

September 28, 2004

LICENSED ADDICTION COUNSELORS PROGRAM

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CHEMICAL DEPENDENCY COUNSELOR LICENSURE

Montana Code Annotated: 37-35-101/413 & 7-1-316

Administrative Rules of Montana: 8.11.101/120

Overview of Montana Chemical Dependency Counselor Licensure Program (Effective July 1, 1998):

FEES:	Application	\$200	Renewal	\$135
	Oral Exam	\$200	Late Renewal	\$185
	Written Exam	\$100	Mailing labels	\$ 30
	License Replacement	\$ 30		

- 1) Individuals who meet the education requirement and have obtained a work setting in which to gain the required supervised experience may apply for Licensure by submitting the **Application For Counselor Licensure** with the **fee payment**.
- 2) Individuals who gained the **1,000 hours work experience** in a chemical dependency treatment setting prior to July 1, 1996, may submit the Application forms with documentation verifying previous Chemical Dependency counseling experience to the Licensure program for approval.
- 3) Accepted applicants will be notified in writing within thirty days and provided information regarding the examination process.
- 4) Eligible applicants must successfully complete a **written exam** and
- 5) an **oral case presentation examination**.
- 6) Licensed Counselors are issued a **two-year license** that is renewed if **continuing education requirements** are met and the renewal fee is paid.
- 7) Individuals certified/licensed by other states may apply for Montana **Licensure by Endorsement** and waiver of the examinations. Applicants must meet Montana requirements for Licensure by Endorsement and submit a completed **application for equivalency Licensure** with payment of the **application fee**.

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I. ELIGIBILITY REQUIREMENTS

Applicants for counselor Licensure must meet **one** of the three **education** requirements listed in Section 1. Applicants must provide information regarding the chemical dependency treatment setting in which the 1,000 hours supervised **chemical dependency counseling experience** will be completed, as well as the name of the licensed addiction counselor approved to supervise the chemical dependency counseling internship.

SECTION 1: EDUCATION REQUIREMENT

- (1) A baccalaureate degree in alcohol and drug studies, psychology, social work, counseling or a related field.*
- (2) An associate of applied science or associate of arts degree in alcohol and drug studies, chemical dependency, or substance abuse.*

** All education requirements must include 270 contact hours of specific chemical dependency or counseling courses. These are contact hours that may be obtained through academic course work, approved workshop training or approved home study courses. The 270 hours must include minimum hours in each of the following areas:*

CD Assessment & Patient Placement - 30 Hours (Must include CD assessment, biopsychosocial, testing, diagnosis, referrals and patient placement.)

Counseling - 45 Hours

Pharmacology - 12 Hours (Must include drug classification, effects, detoxification and withdrawal.)

Ethics - 6 Hours (Ethics for addiction counselors)

Chemical Dependency Studies - 30 Hours

Treatment Planning & Documentation - 15 Hours

Multi-Cultural-Competency - 12 hours (knowledgeable of and sensitive to the cultural factors and needs of diverse populations and demonstrate competency in applying culturally relevant skills.)

SECTION 2: WORK EXPERIENCE REQUIREMENT

Six months (1,000 hours) of supervised chemical dependency counseling experience in an approved chemical dependency treatment setting.

The supervised experience may be gained through paid work experience, academic internship hours or unpaid volunteer work if the applicant is supervised by a **Montana Licensed Addiction Counselor in an approved treatment setting**. The counseling experience must be completed in not more than two different treatment settings. (Internship hours earned through an academic chemical dependency field placement program is not included in the limit of two treatment settings.)

NOTE: Internship hours that are earned through an academic program must be completed before making application. In order to meet “eligibility” requirements, the education must be completed before making application for Licensure. Remaining hours may be earned after the making application.

QUALIFIED CHEMICAL DEPENDENCY TREATMENT SETTINGS:

Chemical dependency treatment settings in which counselors may obtain clinical training and experience are based on nationally recognized patient placement criteria. Montana has utilized information based on the Patient Placement Criteria for the Treatment of Psychoactive Substance Use Disorders published by the American Society of Addiction Medicine (ASAM) for use in defining chemical dependency treatment settings. These criteria provide the basis for a continuum of care for patients with alcohol and/or drug addiction and include the following four levels of care:

- o **Outpatient Treatment**
- o **Intensive Outpatient/Day Treatment**
- o **Medically Monitored Inpatient Treatment (Residential*)**
- o **Medically Managed Inpatient Treatment (Hospital*)**

****Specific definitions of components in state approved treatment programs are found in the Administrative Rules of Montana (ARM) 20.3.202.***

APPROVED SETTINGS FOR CHEMICAL DEPENDENCY COUNSELING EXPERIENCE:

1. **State approved chemical dependency treatment programs.**
2. **JCAHO/CARF approved settings for addiction treatment.**
3. **Indian Health Service approved settings for addiction treatment**

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4. **Organized addictions treatment programs within branches of the Armed Forces or Veterans Administration Hospitals.**
 5. **Organized group practice settings (three or more licensed counselors in a defined, conjoint practice) providing addiction treatment services. The work setting must have the capacity to provide multi-disciplinary supervision.**
 6. **All approved outpatient treatment settings must have a direct referral affiliation for the provision of:**
 - o **detoxification services**
 - o **medical and laboratory services**
 - o **psychiatric and psychological consultation**
 7. **All approved treatment settings must demonstrate that the individualized treatment plans include problem formulations, goals, measurable treatment objectives and progress notes and that it conducts regular reviews of plans at specified times by a designated treatment team.**

DOCUMENTATION REQUIRED FOR VERIFICATION OF 1,000 HOURS SUPERVISED COUNSELING EXPERIENCE:

1. The name of the licensed addiction counselor who has agreed to supervise the counseling experience must be indicated in the **Application for Licensure on Form D** and submitted to the **Montana Licensing Program**.
 2. **Weekly Time Sheets* for Supervised Work Experience:** In order for the supervised hours to be counted toward the 1,000 hours required for supervised experience, the eligible counselor must maintain weekly time sheets documenting experience in the eight skill areas (**Form E**). The weekly time sheets must be signed by the approved supervisor and submitted to **Montana Licensing Program** at the completion of the required 1,000 hours. A summary sheet (**Form F**) must be attached to the weekly time sheets verifying the required minimum hours have been earned in each of the core areas.
 3. **Eligible counselors working full time** earning the required 1,000 hours work experience will have **eighteen (18) months** after completion of the work to become licensed (complete written and oral case presentation examinations).
 4. **Eligible counselors working part time** will have up to **eighteen (18) months** to complete the supervised work experience and will be permitted **eighteen (18) months** after completing the supervised work experience to become licensed (complete written and oral case presentation examinations)
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5. If the 1,000 hours are not accumulated at the end of eighteen (18) months after making application, individuals must reapply for Licensure and begin accumulating the required 1,000 hours again.

*A "Weekly Time Sheet" is provided in the Application, Form E. This specific time sheet is not required and counselors or programs may use other forms for recording hours. The time sheet used must document the breakdown of hours in the counselor skill groups identified in the sample time sheet.

MINIMUM HOURS EXPERIENCE IN SKILL GROUPS*

Counselors must have a minimum number of hours in each of the counselor skill groups. The skill groups specified in the "Weekly Time Sheets" maintained by eligible counselors are taken from the ***Addiction Counselor Competencies & Scope of Practice**.

Eligible counselors must receive 512 of the 1,000 hours experience in the following areas:

Clinical Evaluations

Screening	30 hours
Assessment/Patient Placement	100 hours

<u>Treatment Planning</u>	50 hours
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<u>Referrals</u>	20 hours
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<u>Service Coordination/Case Management</u>	50 hours
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Counseling

Individual	60 hours
Groups	100 hours
Services for Families, Couples and Intimate Dyads	

<u>Multi-Cultural Counseling Competency</u>	12 hours
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<u>Client, Family, & Community Education</u>	40 hours
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<u>Documentation</u>	40 hours
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<u>Professional and Ethical Responsibilities</u>	10 hours
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DIRECT SUPERVISION - MINIMUM HOURS REQUIRED

Supervisors must provide **EIGHTY (80) HOURS** direct supervision (observation) of eligible counselors for the 1,000 hours required for Licensure. It is recommended supervisor observe the work of eligible counselors in every skill group.

All applicants must furnish the name of the program and counselor responsible for supervision of the work experience at the time of application for Licensure.

Applicants must submit completed documentation of supervised work experience signed by the individual responsible for the supervision prior to the date the first examination is attempted.

Exams ordered for individuals will be canceled before the examination date if the required documentation of work experience is not received by the Licensure Program.

APPROVED SUPERVISORS FOR WORK EXPERIENCE

Licensed counselors may apply for approval to supervise eligible counselors if he or she:

- a) holds a current Montana Addiction Counselor License;

AND

- b) has at least three- (3) years chemical dependency counseling experience -- post Licensure -- in an approved CD treatment setting.

An Application to Supervise (Form G) is included in the Licensure Application, page 13.

II. APPLICATION PROCESS

Individuals applying for Chemical Dependency Counselor Licensure in Montana must meet the education requirement before beginning the 1,000 hours of supervised work experience. Individuals who have submitted an application that is accepted by the Licensure Section are then determined to be "**ELIGIBLE**" for Licensure. Applicants who meet the education requirement must submit:

1. **A completed APPLICATION for Chemical Dependency Counselor Licensure must include ORIGINAL SIGNATURE of applicant and will not be accepted without:**
 - a) **required documentation of education (official transcripts or document verifying completion of training program) including required 270 contact hours of CD specific training, AND**
 - b) **specific information regarding the chemical dependency treatment setting in which the supervised work experience will be completed. Applicants must provide the name of the certified counselor responsible for the work supervision.**

NOTE: Individuals applying for Licensure that have completed the work experience in another state will need to submit information and documentation with the application to the Licensure Program for approval.
2. **the required application fee of \$200 made payable to the Licensed Addiction Counselors Program.**
3. **Applicants will receive information and appropriate forms to submit examination fees when the application for Licensure is accepted.**

Applicants will be notified within 30 days if application has been accepted. Accepted applicants will receive information regarding the written exam and the Applicants Guide for the oral case presentation examination.

Applicants will also receive an Examination Schedule and will be scheduled for the first available examination upon request.

The Application will be closed if Licensure is not completed within 18 months after completion of the required 1,000 hours work experience. Individuals eliminated from the Licensure process will be required to reapply and submit a new application with the required fee payment. Applicants reapplying for Licensure must complete a new supervision experience and all examinations.

III. EXAMINATION PROCESS

ELIGIBLE COUNSELORS MUST COMPLETE THE 1,000 HOURS SUPERVISED WORK EXPERIENCE BEFORE ATTEMPTING ANY EXAMINATION.

THE WRITTEN AND ORAL EXAMINATIONS MAY BE ATTEMPTED IN ANY ORDER. Eligible counselors may attempt either the oral or written examination first. The written examination must be ordered two months prior to the exam date and applicants may apply to take the written after three months supervised experience is completed.

(The 1,000 hours supervised work must be completed by the date of the examination.)

ELIGIBLE COUNSELORS MUST COMPLETE THE SUPERVISED WORK EXPERIENCE BEFORE THE DATE OF THE ORAL CASE INTERVIEW. (The written case history, which is required to be submitted to the Licensure Program 30 days prior to the examination date, may be sent before completing the work experience as long as it will be completed before the date of the examination.)

WRITTEN EXAMINATION

The Montana Licensure process uses a written examination developed by the **National Association of Alcoholism and Drug Abuse Counselors (NAADAC)**. This exam is composed of a maximum of 250 multiple-choice, objective questions with a total testing time of four hours. This examination fee is \$100 and subject to change by the Testing Corporation. The content outline of the **National Certification Examination for Addiction Counselors** is as follows:

- (1) Pharmacology of Psychoactive Substances;**
- (2) Counseling Practice;**
- (3) Theoretical Base of Counseling;**
- (4) Professional Issues.**

Written exams are administered in **Helena** the **last Saturday in March, July, and November**.

Applicants must document eligibility (date the work experience will be completed) with the Licensure Section 60 days in advance of the examination. Montana must pre-pay the out of state test provider (Professional Testing Corporation) for each exam ordered 60 days in advance of the test date.

Test results are sent to the applicant and to the Licensure office. Applicants receive an "overall" score for the exam as well as a separate score for each of the four content areas.

The NAADAC Desk Reference and Study Guide on Addiction Counseling guide is available from NAADAC - see page 14 of Application packet.

The written exam will be waived for individuals who have successfully completed the NAADAC exam while in another state or who have completed the NCAC test for national certification (**NAADAC**) within five years of Montana application. Applicants must furnish the official notice of test results with the Application for Montana Addiction Counselor Licensure.

Applicants may attempt the written exam three times and may apply to retake a failed exam.

Individuals failing an exam will be required to pay the exam fee and submit the Application to Retake the Written Exam form (provided to applicants failing the exam).

The fee for retaking this exam will be \$100.

ORAL CASE PRESENTATION EXAMINATION

- 1) Applicants will receive a copy of the **Applicant's Guide to the Oral Case Presentation** with notification the application for licensure has been accepted.
- 2) A Written Case History is prepared according to the prescribed format and submitted to the Licensure office.
- 3) The Case History will be reviewed by the Department Manager to ensure the case conforms to the prescribed format and provides the necessary information.
- 4) Once the Case History is accepted, an Oral Exam Interview will be scheduled with the Applicant. The date, time, and location of the exam will be provided in writing. **Three (3) Examiners** will conduct the exam, which will require a maximum of **two (2) hours**.
- 5) **In order to pass the Oral Case Presentation Exam, the Applicant must get a passing score on every Counselor Skill Group from a majority (at least two) of the Examiners.**
- 6) Applicants will be notified of the results of the examination in writing within 30 days.
- 7) Applicants will be permitted **three (3) opportunities to pass the Oral Case Presentation**. A **subsequent case** and **cover sheet** must be completed and submitted with all copies of the Written Case History. In addition to the \$200 exam fee.

IV. LICENSURE PROCESS

- 1) **Applicants working full time** earning the required 1,000 hours work experience will be permitted two years from date of application to complete the Licensure process (6 months supervised experience and 18 months to complete the examination process). Eligible applicants will be permitted eighteen (18) months after completion of the work experience to complete the examination process. Applicants not certified within two years (including the supervised work experience) will be eliminated from the Licensure process and must re-apply for Licensure and complete all examinations.
 - 2) **Applicants work part time** earning the required 1,000 hours work experience will be permitted eighteen (18) months in which to complete the required 1,000 hours counseling experience. Eligible applicants will then be permitted eighteen (18) months to complete the examination process. If the work experience is not completed eighteen months after the date of application, applicants will be required to reapply for Licensure and begin a new work experience for the 1,000 hours.
 - 3) Applicants will also be eliminated from the Licensure system for the following reasons:
 - a) Applicants will be permitted three opportunities to complete each examination. Failing an exam for the third time will require the applicant be removed from the Licensure system and wait two (2) years before making application for Licensure.
 - b) **Submitting false information on the** (a) Application for Licensure, (b) documentation of education, (c) work experience treatment setting, or (d) specific supervision received during the counseling work experience.
 - c) Applicants may be removed from the Licensure process for **Unprofessional Conduct** specified in 37-35-301 MCA and 8.11.120 ARM.
 - 4) **Individuals cheating on an examination will be removed from the Licensure system.**
 - a) As specified in the **Unprofessional Conduct 8.11.102, Montana Code Annotated:**
37-35-101/413 & 7-1-316 cheating on an exam would violate the **standard of unprofessional conduct #14: Commit any dishonest, corrupt or fraudulent act that is substantially related to the qualifications"**
 - b) Submitting an **Oral Case History** not completed by the applicant;
 - c) Presenting a case the applicant has not actually counseled or with an individual who was not a client/patient of the applicant.
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5) **A background check will be conducted on ALL individuals applying for Chemical Dependency Counselor Licensure in Montana.**

1 **Conviction of a past felony does not necessarily preclude any individual from applying, and receiving, full Counselor License in Montana.** The work of the Chemical Dependency Programs in Montana is involved in the rehabilitation of many individuals with chemical dependency problems. In recognizing that problems faced by chemically dependent individuals often involve legal issues, an attempt is made to evaluate the specific crime(s) involved.

1 Montana statutes regarding "**Licensure of Criminal Offenders**" (**MCA 37-1-201 through 205**) will be provided by requesting this information from the Licensure Section of the Alcohol and Drug Abuse Program.

As set forth in this statute, "**...where a license applicant has been convicted of a criminal offense and such criminal offense relates to the public health, welfare, and safety as it applies to the occupation for which the license is sought, the licensing agency may, after investigation, find that the applicant so convicted has not been sufficiently rehabilitated as to warrant the public trust and deny the issuance of a license.**"

1 The Department of Labor and Industry will appoint a three-member panel of treatment and correctional professionals to review the application, treatment records, and reports of probation and/or parole supervision where appropriate. The panel will recommend department accept or reject the application.

6) **Applicants are encouraged to keep copies of all information and documentation submitted to the department. Official transcripts and copies of documentation will not be returned.**

V. LICENSURE BY ENDORSEMENT

COUNSELORS CERTIFIED/LICENSED IN OTHER STATES: Counselors certified/licensed in other states may apply for **Montana Licensure by Endorsement**. The examinations may be waived if the counselor:

1. meets one of the current Montana education requirements;
2. provides documentation of 2,000 HOURS (ONE YEAR) supervised chemical dependency counseling experience in a chemical dependency treatment setting in another state;
3. holds a current STATE certificate/license issued by a state agency;
4. completed an examination process comparable to the Montana examinations: **Must provide documentation verifying completion of a written and oral examination.**

(Individuals certified by branches of the **military government** may submit an application for Montana Equivalency Licensure by providing documentation specified in #1, #2, and #4 above and the current Military Licensure. Applicants must also furnish the Licensure and examination requirements for the specific branch of the military.)

Individuals interested in applying for Licensure by Endorsement in Montana must:

- a) Complete the Application For Licensure.
- b) attach documentation of education and required 2,000 hours experience in a chemical dependency treatment setting in another state.
- c) provide a copy of the current certificate/license and standards required for Licensure by the certifying/licensing state, documentation of scores for a written and oral examination, including a description of the examinations completed.
- d) the required the Montana application fee of \$200.

Licenses issued will specify "Licensure by Endorsement" and indicate the state issuing the original certificate.

EXAMINATION PROCESS

THE WRITTEN AND ORAL EXAMINATIONS MAY BE ATTEMPTED IN ANY ORDER. Eligible counselors may attempt either the oral or written examination first. The written examination must be ordered two months prior to the exam date. The written case history is required to be submitted to the Licensure Program 30 days prior to the examination date. **APPLICANTS APPLYING FORS LICENSURE ENCOURAGED TO SUBMIT TESTING APPLICATION FORMS AND FEES IN A TIMELY FASHION IN ORDER TO AVOID WAIVING A TESTING OPPORTUNITY.**

Explanations of the written and oral exam are included on pages 10-11 of this manual. The explanation applies to this Licensure option.

VI. LICENSED ADDICTION COUNSELORS

CONTINUING EDUCATION REQUIREMENTS

Licenses will be issued for two (2) years and may be renewed if continuing education requirements are met by the date of expiration and the renewal fee of \$135.00 is paid. All licenses expire **June 30th**.

All licensed counselors are required to earn 40 hours continuing education to renew the license. Licensure will be re-issued for two years.

The purpose of continuing education is the ongoing professional development of chemical dependency professionals after full licensure is awarded. It is the responsibility of the **individual chemical dependency counselor** to plan, pursue, and document his/her continuing education.

- (1) To be eligible for renewal, licensed counselors will be required to earn **40 hours** of approved training over the two-year renewal period. (Training received prior to the date of licensure is not counted for renewal.)
- (2) A non-renewed license is lapsed. A lapsed license that is not renewed within one year of expiration automatically terminates. The license may be renewed within one year of expiration by submitting the required documentation for continuing education and payment of the late renewal fee of \$185. Terminated licenses may not be reinstated and a new original license must be obtained by reapplying and passing all required examination. Reapplication must meet the licensure requirements at the time of application.

PROCEDURES FOR SUBMITTING CONTINUING EDUCATION

- (3) Verification of continuing education is submitted one time each renewal period. Licensed counselors will receive a "Renewal Notice" and instructions for the audit process approximately 60 days prior to the expiration date of the license. Licenses must be renewed by June 30th of each two-year renewal period according to the department audit process.
- (4) License holders shall affirm their understanding of and compliance with continuing education requirements and the audit process of renewal with the signing of the renewal form. The renewal application form must be completed and submitted, together with the renewal fee, as verification of continuing education hours earned during the renewal period.
- (5) License holders are required to keep a record of continuing education they have completed. These records shall be made available to the department if the license holder is chosen as a part of the random audit review.

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- (6) Audit candidates must provide certificates of attendance signed by the sponsoring agency or workshop presenter, and must include: the name of the workshop, name of counselor, the date and number of hours attended.
 - (7) Certificates of completion for training will not be returned. Copies of certificates of attendance are accepted for verification. Documentation will be recorded in counselors computer file and copies of certificates discarded.

COURSE CRITERIA

- (7) **Content of all continuing education courses must be relevant to chemical dependency counseling.** Training must be related to the scientific knowledge or technical skills required for chemical dependency counseling. Training must be related to direct and/or indirect client care of chemically dependent individuals. Approved courses are not limited to specific alcohol/drug topics, but may include training in other counseling areas, such as child abuse, compulsive gambling, grief, dually diagnosed clients, stress management and sexuality.
 - (8) Courses in chemical dependency program administration or management, research or other functional areas of chemical dependency treatment programs related to client care will be accepted.
 - (9) **Courses leading to basic counselor training are not acceptable for continuing education for certified chemical dependency counselors.**
 - 10) Courses, which deal with the participants' self-improvement, personal growth, changes in attitude, self-therapy, and self-awareness, **are not approved for continuing education credit.** Examples of courses that are not approved for continuing education credit include:
 - * Therapy workshops dealing with the participants' personal issues or problems;
 - * Chemical dependency education course designed for lay people (public education);
 - * Parenting classes other programs designed for non-professional participants;
 - * Liberal arts courses in music, education, art and other courses unrelated to chemical dependency counseling;
 - * Orientation programs, meaning a specific series of activities designed to familiarize employees with the policies and procedures of an institution or agency.
 - (11) Courses or workshops containing a minimum of six hours training are "structured" workshop training.
 - 12) Continuing education credit is not granted for partial attendance of an approved workshop, i.e., attending one day of a two or three day workshop
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REQUIRED DOCUMENTATION

Structured Workshops: Counselors attending workshops that have been **pre-approved** by the Counselor Licensure Office will secure a copy of the **certificate of completion**. Counselors who attend training that has not been pre-approved must submit, in addition to the certificate of completion, an agenda with the specific breakdown to training hours (specific time of registration, breaks, lunch, etc.), a description of the training and names of the trainers. **NOTE: Up to 20 hours, preparation may be counted for training the counselor has conducted/provided. Preparation for training for a particular workshop may be counted only one time, and not each time the workshop is presented.** Counselor submitting request for approval for workshops he/she will be conducting will request approve for continuing education credit at that time.

In-service hours: Training that is less than six continuous hours is considered in-service training. In-service hours do not require prior approval but the counselors must maintain individual in-service records. Each in-service training record must include the date of the in-service, the subject or title, the name of the trainer, the length of the in-service (i.e., 1 hour, 1.5 hours), and must be signed by the trainer or the counselor's supervisor.

Training Films and Video Tapes: Training films may be used for in-service training provided: the films are observed as part of a structured workshop or in-service training that include a discussion period; films observed outside a work setting in-service may be counted if the film includes a test instrument to verify training.

Academic Credit: Counselors may earn all or part of the required continuing education from academic courses. Course work must be **completed** after the date of Licensure or certificate renewal. Courses must be taken for credit; audited courses will not receive continuing education credit. **Ten (10) hours** will be given for each academic **quarter hour**, or **15 hours** for each **semester credit hour**, in the fields of chemical dependency, psychology, social work, counseling, and sociology.

A RENEWAL FEE OF \$135 will be required to renew Licensure. Licensed counselors will be required to submit a continuing education log, a signed renewal form, and the \$135 renewal fee by the June 30th. Failure to submit continuing education or the renewal fee by the expiration date will result in a lapsed license for a period of 12 months. Lapsed licenses, which are not renewed, or revoked.

VII. LOSS OF LICENSURE

Licensure may be revoked or suspended for the following reasons:

- 1) Failure to submit documentation of continuing education by the date of expiration of the license.**
- 2) Failure to pay the Renewal Fee of \$135 by the expiration date. If not renewed within one year of expiration, the license terminates.**
- 3) Effective October 1, 1993, legislation was enacted which requires the suspension of any state-issued certificate or license of individuals who fail to pay support.** The Child Support Enforcement Division may order suspension of the license if determination is made the licensed individual has failed to pay court ordered support.
- 4) Conviction of violation of the standards of professional conduct.** All applicants for Licensure read and agree to abide by the standards of professional conduct published by the department. Eligible Counselors in the Licensure process and licensed counselors agree to conduct himself/herself in all professional relationships in accord with the specific standards of conduct. The penalties for violation and procedures for charging a licensed counselor with a breach of professional conduct are as follows:

COMPLAINT PROCEDURE

- (1)** A formal complaint alleging unprofessional conduct by a licensed addiction counselor may be directed to the department. The charges must be made by an affidavit, subscribed and sworn to by the person making it, and filed with the department.
- (2)** The complaint may allege any unprofessional conduct contained in 37-1-410 MCA, or 7.1.316 ARM.
- (3)** The director of the department shall appoint a complaint review panel to investigate a complaint of unprofessional conduct directed to the department. The panel must consist of:
 - (a) two licensed addiction counselors;
 - (b) one employee of the department, and
 - (c) two members of the public.
- (4)** The panel shall recommend to the department either that the person be cleared of any charges or that a sanction or combination of sanctions contained in 37-1-406 MCA be imposed.
- (5)** A person, government or private entity may submit a written complaint to the department charging an applicant or license holder with a violation of department and program statutes or rules, and specifying the grounds for the complaint.

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- (6) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the department.
 - (7) Upon receipt of the written complaint form, the program office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the applicant or license holder complained about for a written response. Upon receipt of the written response, both complaint and response shall be considered by the review panel for appropriate action including dismissal, investigation, or a finding of reasonable cause of violation of a statute or rule. The program office shall notify both complainant and license holder of the determination made by the review panel.
 - (8) If the review panel makes a reasonable cause violation determination, the recommendation to the department shall be to undertake disciplinary proceedings under the Montana Administrative Procedure Act.

UNPROFESSIONAL CONDUCT

The Addiction Counselor Licensure program defines unprofessional conduct as follows:

- (1) Having sexual relations with a client, a client's family member, a client's household member, or other persons with whom a client has had a significant relationship within two years after termination of services to that client;
 - (2) Soliciting sexual relations, committing an act of sexual misconduct, or committing a sexual offense with a client or former client;
 - (3) Soliciting or undertaking sexual relations with the client of another counselor employed in the same program;
 - (4) Recklessly or carelessly causing physical or emotional harm to a client;
 - (5) Providing unnecessary or unneeded services, or providing services for longer than necessary, or abandoning a client;
 - (6) Providing professional counseling services to members of the counselor's own family, household members, friends or close associates, or any person with whom the counselor has had a previous sexual relationship;
 - (7) Interfering with or encouraging termination of any legitimate personal relationship of a client, or interfering with a therapeutic relationship of another counseling professional;
 - (8) Recommending a client discontinue prescribed medication, or failure to provide a supportive environment for a client who is receiving prescribed medication;
 - (9) Failing to make an appropriate referral of a client to another professional when requested to do so by the client, or when the problem of the client is beyond the training, experience or competence of the counselor;
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- (10)** Failing to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fees will be computed;
 - (11)** Failing to keep the client informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided;
 - (12)** Accepting gifts or gratuities of significant monetary value or borrowing money from a client or former client within two years after termination of services;
 - (13)** Misrepresenting the types or status of Licensure by performing or holding oneself out as able to perform professional services beyond the counselor's field of competence, or outside the scope of the license, or delegating professional responsibilities to a person not appropriately qualified to provide such services;
 - (14)** Committing any dishonest, corrupt or fraudulent act which is substantially related to the qualifications, functions or duties of the license or any act that exploits a client;
 - (15)** Discriminating against or refusing professional services to anyone on the basis of race, color, gender, religion, national origin, disability, sexual orientation, or any basis prohibited by law;
 - (16)** Conviction of any felony;
 - (17)** Conviction of driving while under the influence of alcohol or drugs (DUI) or criminal possession of dangerous drugs at any time after issuance of a license, and within the two years preceding an application for license;
 - (18)** Failing to comply with federal rules and regulations regarding client's rights of confidentiality, throughout the course of treatment and following termination of services;
 - (19)** Using mood altering chemicals in a manner adversely affecting work performance, effectiveness, credibility or professional integrity;
 - (20)** Committing a fraudulent act or providing false information in billing insurance companies or other third party payers, or the exchange of compensation for referral of clients;
 - (21)** Providing false or misleading information or documentation in the Licensure application, or in submission of continuing education information.

MONTANA CODE ANNOTATED 2001
TITLE 37. PROFESSIONS AND OCCUPATIONS, CHAPTER 1. GENERAL PROVISIONS
Part 3. Uniform Professional Licensing and Regulation Procedures

7-1-316. Unprofessional conduct. The following is unprofessional conduct for a licensee or license applicant governed by this chapter:

- (1) conviction, including conviction following a plea of nolo contendere, of a crime relating to or committed during the course of the person's practice or involving violence, use or sale of drugs, fraud, deceit, or theft, whether or not an appeal is pending;
- (2) permitting, aiding, abetting, or conspiring with a person to violate or circumvent a law relating to licensure or certification;
- (3) fraud, misrepresentation, deception, or concealment of a material fact in applying for or assisting in securing a license or license renewal or in taking an examination required for licensure;
- (4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;
- (5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;
- (6) offering, giving, or promising anything of value or benefit to a federal, state, or local government employee or official for the purpose of influencing the employee or official to circumvent a federal, state, or local law, rule, or ordinance governing the licensee's profession or occupation;
- (7) denial, suspension, revocation, probation, fine, or other license restriction or discipline against a licensee by a state, province, territory, or Indian tribal government or the federal government if the action is not on appeal, under judicial review, or has been satisfied.
- (8) failure to comply with a term, condition, or limitation of a license by final order of a board;
- (9) revealing confidential information obtained as the result of a professional relationship without the prior consent of the recipient of services, except as authorized or required by law;
- (10) addiction to or dependency on a habit-forming drug or controlled substance as defined in Title 50, chapter 32, as a result of illegal use of the drug or controlled substance;
- (11) use of a habit-forming drug or controlled substance as defined in Title 50, chapter 32, to the extent that the use impairs the user physically or mentally;
- (12) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety;
- (13) engaging in conduct in the course of one's practice while suffering from a contagious or infectious disease involving serious risk to public health or without taking adequate precautions, including but not limited to informed consent, protective gear, or cessation of practice;
- (14) misappropriating property or funds from a client or workplace or failing to comply with a board rule regarding the accounting and distribution of a client's property or funds;
- (15) interference with an investigation or disciplinary proceeding by willful misrepresentation of facts, by the use of threats or harassment against or inducement to a client or witness to prevent them from providing evidence in a disciplinary proceeding or other legal action, or by use of threats or harassment against or inducement to a person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed;
- (16) assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee's license;
- (17) failing to report the institution of or final action on a malpractice action, including a final decision on appeal, against the licensee or of an action against the licensee by a:
 - (a) peer review committee;
 - (b) professional association; or
 - (c) local, state, federal, territorial, provincial, or Indian tribal government;
- (18) conduct that does not meet the generally accepted standards of practice. A certified copy of a malpractice judgment against the licensee or license applicant or of a tort judgment in an action involving an act or omission occurring during the scope and course of the practice is conclusive evidence of but is not needed to prove conduct that does not meet generally accepted standards.

History: En. Sec. 16, Ch. 429, L. 1995.